

Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, March 22, 2012, 7:00 PM

The Chair called the meeting to order at 7:00 pm.

1. Roll Call

Present: Chairman Lucien Benoit, Art Bassett, Alex Biliouris, Dean Naylor, Gene Currie. Absent: Mali Jones, Gene Simone. Also present was Town Planner Bob Ericson and Town Solicitor Rick Nadeau.

2. Approval of Minutes: March 8, 2012

Mr. Currie made a motion to approve the minutes of March 8, 2012. Mr. Biliouris seconded the motion, with all in favor.

Chairman Benoit would like to see the minutes delivered to the Planning Board in the packets. He suggested the minutes be held for a month to give the Planning Board time to review. Mr. Ericson informed the Planning Board that the state requires the minutes to be available at the next Planning Board meeting or within 35 days whichever comes first. Mr. Nadeau concurred. Mr. Ericson will ask the secretary to get the minutes before the packet mailing date.

3. Major Subdivision: Preliminary

Owner/Applicant: Michael Bell

Location: 96-98, 102-104 Green Street, Assessor's Plat 2, Lot 49,

Zoning: RU-20 (Urban Residential)

Mr. Ericson entered into the record a letter from Mr. Bell (exhibit A) requesting that Mr. Norbert Therien represent him at the Planning Board meeting. Mr. Therien reviewed Mr. Bell's previous appearance before the Planning Board a few months ago for a pre-application discussion of dividing Plat 2, Lot 49 into two lots with a two-family structure on each lot. The Zoning Board of Review gave unanimous approval for the variances necessary to divide this lot. Per the request of the Planning Board, a gray line was painted down the center of the driveway demarcating the property boundary. The surveyors set railroad spikes as permanent markers.

Mr. Therien requested that preliminary and final approvals be combined. Mr. Ericson said that one outstanding issue remained; there is no time limit for converting the three-family dwelling to a two-family dwelling. After much discussion, Mr. Ericson proposed that the approval of the final plan be contingent upon the three-to-two family dwelling conversion being completed, proof of which will be building permit and the Certificate of Occupancy or Certificate of Completion, whichever is appropriate. Mr. Nadeau agreed. Mr. Therien did not want to obligate Mr. Bell to anything without his being present. Mr. Nadeau reiterated that the Planning Board is imposing a condition and it is not something to which the applicant has to agree.

Mr. Nadeau raised the question of merger by the tax assessor upon recording of the plan. The owner can avoid having one entity own two adjacent non-conforming properties by placing ownership of the additional lot with a different entity (eg, husband is owner-of-record for one property and husband and wife are owner-of-record for adjacent property). This is called “checkerboarding” and Mr. Nadeau noted that it is not a condition of approval.

Mr. Currie made a motion to approve the Michael R. Bell Preliminary Major Subdivision Plan located at 96-98, 102-104 Green Street, Assessor’s Plat 2, lot 49. Mr. Biliouris seconded with all in favor.

Mr. Biliouris made a motion that the Planning Board delegate administrative approval of the Michael R. Bell Final Major Subdivision Plan under signature of Chairman Benoit. Because of the amount of time allotted for approval, Mr. Nadeau suggested the motion be changed to require the signature of the chairman or other appropriate officer instead of Chairman Benoit specifically. Motion seconded by Mr. Bassett with all in favor.

Chairman Benoit said that the public hearing was not closed before the vote. Mr. Nadeau noted that it was not opened. Mr. Ericson explained that this was a new public hearing, and that they would have to go through a process of reconsideration. Mr. Bassett made a motion to reconsider both motions. It was seconded by Mr Biliouris, with all in favor. Mr. Bassett made a motion to move the public

hearing to precede the reconsideration of the prior motions. This was seconded by Mr. Currie with all in favor. Mr Benoit opened the public hearing at 7:15 pm. There was no one at the meeting interested in speaking about the Bell subdivision. Mr. Bassett made a motion to close the public hearing. Motion seconded by Mr. Currie with all in favor. The public hearing was closed at 7:20 p.m. Mr. Bassett made a motion to reconsider the previous motion to approve the Michael R. Bell Preliminary Major Subdivision Plan located at 96-98, 102-104 Green Street, Assessor's Plat 2, lot 49. Motion seconded by Mr. Biliouris. The vote was taken; the motion failed with a unanimous nay vote. The previous vote stood. Mr. Bassett made a motion to reconsider the previous motion to delegate administrative approval of the Michael R. Bell Major Subdivision Plan under signature of the Planning Board chairman or other appropriate officer. Motion seconded by Mr. Naylor. The vote was taken; the motion failed with a unanimous nay vote. The previous vote stood.

4. Review of proposed zoning ordinance amendment to Section 6.19 Regulation of groundwater aquifer zones.

Because there was some confusion regarding delivery of Planning Board materials by mail and email, some members did not have the revised agenda and therefore did not bring the appropriate materials. Mr. Ericson stated that they do not need the materials to start this process and handed out the old Aquifer Protection map from the Comprehensive Plan and the new map. Mr. Ericson reviewed key

points to the maps:

- **There are no underlying parcel lines on old map. Zoning officials use parcel lines to locate zoning boundaries.**
- **There are inconsistencies with the North Smithfield parcel data and the Rhode Island GIS (RIGIS) data. In the southwest corner of the map, the parcel layers from the RIGIS do not match the Town parcel layer. This has no impact on this map as a zoning map.**
- **The GAA boundary mainly follows light blue boundary of groundwater recharge area, but there are some inconsistencies with the RIGIS data.**
- **“Donut holes” represent GA inside the donut hole and GAA outside the donut hole. GA is one water quality grade lower than GAA.**
- **The circle with dots off Sayles Hill Rd is a community well protection area (CWPA); 25 or more people live there all the time and draw from one well source. In this case the property is a nursing home.**
- **There are about 150 lots where we do not have enough land evidence to be certain that the boundaries are correct, and these are marked unknown (UNK).**
- **Green circles – Non-transient, non-community (NTNC) wellhead protection area, schools. These are to be protected. Non-transient means a water system that is not a community water system and regularly serves as least 25 persons over six months per year.**
- **The radius depicting the school NTNC wellhead protection areas are calculated using the number of gallons per day. The minimum radius is 1750 feet and goes to 2500 feet.**
- **The blue dot boundary is the water supply basin boundaries. Any**

water that falls within that boundary flows into that reservoir.

Mr. Nadeau left meeting at 7:35 p.m.

Mr. Ericson read the text changes made by the ODC for the ordinance. The Planning Board is to review the modified ordinance for consistency with Comp Plan. If a Planning Board member would like to see changes made to the ordinance, they can 1) make comments independently at the public hearing or 2) send letter to the Town Council, or 3) take a Planning Board vote on specific recommendations.

The main objective is to prevent new wells going into groundwater recharge areas that are already polluted. For example, at the Air National Guard site, solvent poured into a drain went into the septic system and leach field, resulting in groundwater pollution that required \$5 million in remediation.

Mr. Currie asked if it would be possible to add a layer of superfund sites to the Aquifer Map as on the old map. These can be added to the new Aquifer maps but because these are zoning maps those points will not remain. The points will be used for discussion only.

Mr. Biliouris asked for location labels for the discussion map.

There was more discussion on packet mailings to the Planning Board. The Planning Department will send printed documents by

mail and use email only for minor supplements that come in after mailing. Any revised files will have different file names.

Dr. Shumway, a member of the ODC, was present and explained that the Community Wellhead Protection Areas are generally GAA areas. The schools were added so that they would be protected.

There was much discussion about the Crookfall Brook area of the map. Mr. Bassett asked if there is well data for each parcel. Dr. Shumway told the Planning Board that DEM and the Department of Health has that information. Mr. Ericson agreed and added that the Department of Health has record of privately-owned residential wells but the information is not made available to the public. The Chairman stated there is a recording of drilled wells but the Department of Health does not go back before the mid 1980s and that many wells are not on record.

Chairman Benoit also brought up the subject of cesspools. He stated that DEM will be eliminating all cesspools within a couple of years. He asked if the Planning Board should take the lead to identify if there any cesspools near Crookfall Brook that supplies the Woonsocket reservoir (which now serves North Smithfield residents). Dr. Shumway suggested using language from Lorraine Joubert to be inserted in the OWTS ordinance.

Mr. Biliouris asked if straight drilled well (non-fractured) at 300 ft is purified water. Mr. Ericson said there are 600 ft wells contaminated

near the Air National Guard site.

Dr. Shumway stated that because we added the schools wells, if those become sewerred, it gives the Town the option to remove those areas from the aquifer district.

Discussion moved onto construction debris. All construction debris is determined to be non-hazardous unless proven otherwise. Chairman Benoit suggested it would be good for the Town to allow recycling of the construction debris as stable fill. Mr. Ericson stated that broken-up concrete is currently being used in town and the material is presumed to be non-hazardous . According to this ordinance, crushed concrete will not be allowed to be used as fill in the aquifer protection zone. This issue will be discussed further at the April 5 Planning Board meeting.

5. Review of proposed zoning ordinance amendment to Section 6.13-6.15, Parking and Loading

Mr. Ericson explained that the Town Council has not yet referred the ordinance to the Planning Board. Dr. Shumway explained that she is working with Ms. Lorraine Joubert on the task of assessing the impervious coverage in North Smithfield. Ms. Joubert is the Director of the NEMO program, a training program for municipal officials for non-point stormwater. After a discussion of impervious surfaces and their limits, Chairman Benoit stated he is concerned about limiting

impervious surface percentages for commercial development. With limits on impervious surfaces, some businesses may choose not to build in North Smithfield and therefore not contribute to the tax base.

Discussion ensued

The Planning Board will discuss the parking ordinance in more detail on April 5

6. Land Development and Subdivision Regulations: Discussion of possible LD&SR revisions: Article V: Design Standards

The Board held a brief discussion on possible revisions to the Land Development and Subdivision Regulations document. They will hold a longer workshop to discuss specific revisions at a later date. Mr. Currie requested MS Word versions of the document instead of PDF so the Board can edit and highlight potential revisions as they review the document. Mr. Ericson said he would provide Word documents to the Board and asked for the members to review Article V and send comments and edits in time for discussion at the next meeting.

Mr. Ericson discussed the need for using Municode to facilitate revision and website publication of the Code of Ordinances and its Appendix A (the Zoning Ordinance). Municode is a codification firm that will allow the Town to maintain files in editable format. Currently our Town documents are in scanned PDF format that is not editable. Mr. Ericson is purchasing the Zoning Ordinance as an RTF file that

can be read by Microsoft Word.

7. Planning Update: Review of current events

Mr. Ericson reviewed the issue of a Navigant branch specific loading area with Building Official Bob Benoit. They agreed that Navigant will not need a specific loading area.

Mr. Bassett suggested the Planning Board consider the Navigant branch in Smithfield with four lanes for drive-in queuing versus three lanes shown on the plan for the North Smithfield branch.

Chairman Benoit asked about the potential water detention to avoid flooding Cherry Brook. Mr. Ericson responded that he had applied for grant money from CDBG-DR, but because the Town has no block groups that are 51% low- and moderate-income (LMI), the Town was turned down. He stated that the logical place to get funding would be from FEMA, but they do not fund watershed hydrologic studies. Chairman Benoit suggested that under Mr. Ericson's guidance, the Planning Board could make a recommendation to the Town Council for a hydrologic study.

The next Planning Board meeting will be April 5. Navigant is coming back on May 3.

8. Adjournment

Mr. Biliouris made a motion to adjourn, seconded by Gene Currie with all in favor.